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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,391

11/14/2006

Hendrikus G. Van Horck

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HOSSAIN, FARZANA E

ART UNIT

PAPER NUMBER

2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,391	<b>Applicant(s)</b> VAN HORCK ET AL.	
	<b>Examiner</b> FARZANA E. HOSSAIN	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 02/07/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

Art Unit: 2623

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 8, 10-13, 15-17 and 19 rejected under 35 U.S.C. 102(e) as being anticipated by Borseth (US 2006/0053458).

Regarding Claims 1 and 10, Borseth discloses a method for receiving a digital data transmission and a program storage device tangibly embodying a program of instructions executable by a machine to perform a method for receiving a digital data transmission or data transmission broadcasted over the

Art Unit: 2623

Internet (Pages 2-3, paragraphs 0032, 0035, 0036), the method comprising: storing data identifying frequencies at which digital data is transmitted according to different transmission standards (Pages 2-3, paragraphs 0032, 0036); identifying a particular one of the different transmission standards that is associated with the received digital data transmission (Page 4, paragraphs 0048, 0051-0054, Pages 2-3, paragraphs 0032, 0033, 0036); and locating programming services in the received digital data transmission by controlling a tuner to scan only the identified frequencies associated with the particular one of the different transmission standards (Page 2, paragraph 0019, Page 5, paragraph 0058, Page 6, paragraphs 0067-0068).

Regarding Claim 11, Borseth discloses a receiver for receiving a digital data transmission or data transmission broadcasted over the Internet (Pages 2-3, paragraphs 0032, 0035, 0036, Figure 3, Figure 4), the receiver comprising: at least one memory for storing data identifying frequencies at which digital data is transmitted according to different transmission standards, and for storing data identifying a particular one of the different transmission standards (Page 4, paragraphs 0048, 0051-0054, Page 3, paragraph 0033); a control associated with the at least one memory (Page 4, paragraphs 0048, 0051-0054, Page 3, paragraph 0033, Figure 4, 144); and a tuner responsive to the control for locating programming services in the received digital data transmission by scanning only the identified frequencies associated with the particular one of the different transmission standards (Page 2, paragraph 0019, Page 5, paragraph 0058, Page 6, paragraphs 0067-0068).

Art Unit: 2623

Regarding Claims 12 and 16, Borseth discloses a receiver for receiving a digital data transmission and a method for configuring a receiver to receive a digital transmission or data transmission broadcasted over the Internet (Pages 2-3, paragraphs 0032, 0035, 0036, the receiver and method comprising: a tuner that is capable of scanning a predetermined set of frequencies (Page 3, paragraph 0033, Page 2, paragraph 0019); at least one memory for storing data identifying a subset of the predetermined set of frequencies at which digital data is transmitted according to at least one transmission standard (Page 4, paragraph 0052-0053, Figure 4, 110, 140, 142, 144); and a control associated with the at least one memory for controlling the tuner to locate programming services in the received digital data transmission by scanning only the subset of the predetermined set of frequencies (Page 4, paragraph 0048, 0051-0054, Page 3, paragraph 0033, Figure 4, 142, 144).

Regarding Claim 2, Borseth discloses all the limitations of Claim 1. Borseth discloses the different transmission standards are associated with respective different jurisdictions (Page 3, paragraph 0033).

Regarding Claim 3, Borseth discloses all the limitations of Claim 1. Borseth discloses the different transmission standards are associated with respective different countries (Page 3, paragraph 0033).

Regarding Claim 4, Borseth discloses all the limitations of Claim 1. Borseth discloses the identifying the particular one of the different transmission standards comprises receiving a user setting via a user interface (Page 4, paragraph 0049).

Art Unit: 2623

Regarding Claim 6, Borseth discloses all the limitations of Claim 1.

Borseth discloses the received digital data transmission comprises at least one of audio and video data (Page 3, paragraph 0036).

Regarding Claim 8, Borseth discloses all the limitations of Claim 1.

Borseth discloses received digital data transmission is provided in at least one of respective broadcasts, multicasts and streaming content (Page 3, paragraph 0036).

Regarding Claim 13, Borseth discloses all the limitations of Claim 12.

Borseth discloses the at least one memory stores data identifying frequencies at which the digital data is transmitted according to a plurality of transmission standards (Page 4, paragraphs 0048, 0051-0054, Page 3, paragraph 0033).

Regarding Claims 15 and 19, Borseth discloses all the limitations of Claims 12 and 16 respectively. Borseth discloses the control is associated with the at least one memory for controlling the tuner to locate the programming services in the received digital data transmission by scanning only the identified frequencies for a selected one of the transmission standards that is associated with the received digital data transmission (Page 2, paragraph 0019, Page 5, paragraph 0058, Page 6, paragraphs 0067-0068).

Regarding Claim 17, Borseth discloses all the limitations of Claim 16.

Borseth discloses the storing data in the at least one memory (104, 105) comprises storing data in the at least one memory for identifying frequencies at which the digital data is transmitted according to a plurality of transmission standards (Page 4, paragraphs 0048, 0051-0054, Page 3, paragraph 0033).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borseth in view of Lu et al (US 2004/0181799 and hereafter referred to as "Lu").

Regarding Claim 5, Borseth discloses all the limitations of Claim 1.

Borseth discloses transmitting data including streaming video over different broadcast medium including Internet. Borseth is silent on the received digital data transmission is provided according to a Digital Video Broadcasting standard. Lu discloses received digital data transmission is provided according to a Digital Video Broadcasting standard (Page 1, paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art to modify Borseth to include received digital data transmission is provided according to a Digital Video Broadcasting standard (Page 1, paragraph 0006) as taught by Lu to decrease the chances on the possible ambiguities into audience measurements upon channel detection (Page 1, paragraph 0006) as disclosed by Lu.



Art Unit: 2623

Regarding Claim 7, Borseth discloses all the limitations of Claim 1.

Borseth discloses transmitting data over different broadcast medium including Internet. Borseth is silent on the received digital data transmission comprises a data service. Lu discloses received digital data transmission comprises a data service (Page 1, paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art to modify Borseth to include received digital data transmission comprises a data service (Page 1, paragraph 0006) as taught by Lu in order to decrease the chances on the possible ambiguities into audience measurements upon channel detection when multiplexing program with data services in digital standards (Page 1, paragraph 0006) as disclosed by Lu.

Regarding Claims 14 and 18, Borseth discloses all the limitations of Claims 12 and 17 respectively. Borseth discloses transmitting data over a plurality of transmission standards (Page 3, paragraph 0033). Borseth is silent on the plurality of transmission standards includes E-book, D-book and NorDig. Lu discloses the plurality of transmission standards includes E-book, D-book and NorDig (Page 1, paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art to modify Borseth to include the plurality of transmission standards includes E-book, D-book and NorDig (Page 1, paragraph 0006) as taught by Lu to decrease the chances on the possible ambiguities into audience measurements upon channel detection (Page 1, paragraph 0006) as disclosed by Lu.

Art Unit: 2623

7. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borseth in view of Brown (US 2002/0100057).

Regarding Claims 9 and 20, Borseth discloses all the limitations of Claims 1 and 16 respectively. Borseth discloses the storing data in the at least one at least one memory for storing data identifying frequencies at which digital data is transmitted according to at least one transmission standard (Page 4, paragraphs 0052-0053, Figure 4, 110, 140, 142, 144) and controlling the tuner to locate programming services by identifying the predetermined set of frequencies (Page 4, paragraph 0048, 0051-0054, Page 3, paragraph 0033, Figure 4, 142, 144). Borseth is silent on data identifying bandwidths associated with the frequencies at which the digital data is transmitted; wherein the controlling the tuner to locate the programming services is responsive to the data identifying the bandwidths. In analogous art, Brown discloses data for identifying bandwidths associated with the frequencies at which the digital data is transmitted; wherein the controlling the tuner to locate the programming services is responsive to the data identifying the bandwidths (Page 1, paragraph 0012, Figure 1B, Figure 1C, Page 7, paragraphs 0069-0071). Therefore, it would have been obvious to one of ordinary skill in the art to modify Borseth to include data for identifying bandwidths associated with the frequencies at which the digital data is transmitted; wherein the controlling the tuner to locate the programming services is responsive to the data identifying the bandwidths (Page 1, paragraph 0012, Figure 1B, Figure 1C, Page 7, paragraph 0069-0071) as taught by Brown to

Art Unit: 2623

make it easier to scan down stream channels for a DOCSIS signal (Page 1, paragraph 0012) as disclosed by Brown.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2623

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

FEH  
August 13, 2008